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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/512,002 | 12/28/2004 | William Henderson | 0.010302USWZFN | 6419 |

7590

08/23/2006

Chief Intellectual Property Counsel
Omnova Solutions Inc
175 Ghent Road
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| EXAMINER |
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AHMAD, NASSER

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

1772

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/512,002 | Applicant(s) HENDERSON ETAL. | |
| | Examiner Nasser Ahmad | Art Unit 1772 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/25/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Warner (6017079).

Warner relates to a covering for application to one or more surfaces of a structure, the covering comprising a sheet (30) including a plurality of components, each of said components (30) being capable of providing protection against detection by at least one sensing method, said covering having an adhesive exterior surface (33) and a surface (31) opposite the adhesive surface having an uneven surface profile (because it is imprinted with pattern), said covering optionally further comprising a backing sheet (34) removably adhered to the adhesive exterior surface.

For claim 2, said at least one sensing method comprises visible inspection.

The covering sheet is flexible (col. 3, line 38) and is printed with an image representing an environmental background (figure-2) which reads on claims 8 and 9.

3. **Claims 1-5, 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Granqvist (4953922).**

Granqvist relates to a covering for application to one or more surfaces of a structure, the covering comprising a sheet (1) including a plurality of components (4-6), each of said

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components being capable of providing protection against detection by at least one sensing method, said covering having an adhesive exterior surface (8) and a surface (31) opposite the adhesive surface having an uneven surface profile (figure-1),

For claim 2, said at least one sensing method comprises UV-sensing , IR-sensing, etc. (abstract).

The components comprises at least one component comprising a metallic foil (4) and/or IR-transparent polymer for claims 3 and 4.

The visible light or IR or UV absorbent layer would include radio absorbing.

The presence of the various layers would inherently provide for acoustic absorber.

4. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Nesbitt (5549938).

Nesbitt relates to a system (figure-1) for camouflaging surfaces comprising a first elongate sheet (figure-5) patterned with two zones, the zones having different appearances, each zone extending along a primary dimension of the sheet, wherein one side of each zone runs continuously along a respective side of the sheet, and the other side of each zone is delimited by a boundary extending along the relatively long dimension of the sheet in a generally undulating form, such that all regions of the sheet on one side of the boundary form a zone of a first appearance and all regions of the sheet on the other side of the boundary form a zone of a second appearance (figure-5 shows that the pattern in the "hash pattern" provides for a continuous first zone and the "back pattern" provides for the second zone delimited by a boundary); and a second elongate sheet having a continuous field of the first appearance within which are

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disposed isolated regions of the second appearance (figure-5 as discussed above), each said first and second elongate sheets being capable of being sectioned with the resulting sections being capable of being joined to other sections so as to form a camouflage pattern (figure-1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKinney (6373058).

McKinney relates to covering for application to one or more surfaces of a structure (figure-3), the covering comprising a sheet including a plurality of components (10, 20, 30), each of said components being capable of providing protection against detection by at least one sensing method. A component is phase change material (abstract). The covering surface is interpreted to be of uneven profile because foam or fabric are known to have uneven surface texture. However, McKinney fails to teach the presence of adhesive on an exterior opposite surface of the covering. Granqvist discloses a covering having an adhesive exterior surface (8) and a surface (31) opposite the adhesive surface having an uneven surface profile (figure-1), wherein the adhesive provides for adhering to a structure surface. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Granqvist's teaching of using adhesive on the opposite

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surface of the covering in the invention of McKinney with the motivation to provide or adhering to a surface structure.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, as recited, is found to be confusing and indefinite because it recites "an exterior surface" for both the adhesive and the uneven surface profile. It is not clear as to which one surface is the exterior surface.

Claim 5, "radio absorbing material" is deemed to be indefinite as to what is a radio absorbing material. The specification teaches **radar** but not a **radio absorbing material**. Please clarify.

Claim 10 is found to be vague and confusing because it is not clear about the location of the two sheets with respect to each other. Further, the specification is unclear as to how the pattern appear when applied to a surface.

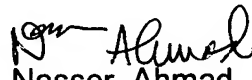
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nasser Ahmad 8/20/06
Primary Examiner
Art Unit 1772

N. Ahmad.
August 20, 2006.